



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

MAY 18 2018

1200 New Jersey Avenue, SE
Washington, DC 20590

Mark Hamaguchi
Vice President of Production Management
44 Blue Productions LLC
3900 W. Alameda Avenue
7th Floor
Burbank, CA 91505

Reference No. 16-0174

Dear Mr. Hamaguchi:

This letter is in response to your October 21, 2016, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to exceptions for passengers, crewmembers, and air operators under § 175.10. Specifically, you ask about the quantity of nickel metal hydride batteries permitted in checked baggage.

In accordance with § 175.10(a)(18), the HMR authorize the carriage of portable electronic devices containing dry cells or batteries and spare dry cells or batteries for these devices, when carried by passengers or crew members for personal use. Provided each spare battery is individually protected to prevent damage and short circuit, there would be no quantity or watt hour limitations on nickel metal hydride batteries that passengers or crew members could carry in checked or carry-on baggage.

Some examples of packaging methods to prevent short circuiting may include: packaging each battery in fully enclosed inner packages made of non-conductive material, packaging batteries in a manner to prevent contact with other batteries, devices or conductive materials, and ensuring exposed terminals or connectors are protected with non-conductive caps, non-conductive tape, or by other appropriate means.

In addition to the transportation safety requirements pertaining to these devices, there may be additional security requirements issued by the Transportation Security Administration.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in blue ink that reads "T. Glenn Foster". The signature is written in a cursive style with a long horizontal flourish extending to the right.

T. Glenn Foster
Chief, Regulatory Review and Reinvention Branch
Standards and Rulemaking Division

Kehman
175.10
Exceptions
16-0174

Goodall, Shante CTR (PHMSA)

From: Rivera, Jordan CTR (PHMSA)
Sent: Friday, October 21, 2016 4:23 PM
To: Hazmat Interps
Subject: FW: 44 Blue Productions- Nickel Metal Hydride Batteries

Hi Shante/Alice,

Please submit this as a letter of interpretation. I spoke with ~~Mr.~~ Hamaguchi.

Please let me know if you have any questions.

Thanks,
Jordan

From: Mark Hamaguchi [mailto:mhamaguchi@44blue.com]
Sent: Friday, October 21, 2016 4:00 PM
To: INFOCNTR (PHMSA)
Cc: Ed Brotherton
Subject: Re: 44 Blue Productions- Nickel Metal Hydride Batteries

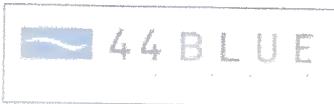
Thank you Jordan.

Ed mentioned that there are no restrictions but I wanted it in writing for our records.

Mark Hamaguchi
44 Blue Productions LLC
3900 W. Alameda Ave.,
7th Floor
Burbank, CA 91505
818-760-4442

Thank you,
Mark

Mark Hamaguchi | V.P. of Production Management | 44 Blue Productions, Inc. | 818.760.4442 | www.44blue.com



From: "INFOCNTR (PHMSA)" <INFOCNTR.INFOCNTR@dot.gov>
Date: Friday, October 21, 2016 at 12:37 PM
To: Mark Hamaguchi <mhamaguchi@44blue.com>
Subject: RE: 44 Blue Productions- Nickel Metal Hydride Batteries

Dear Mark,

We have received your request for a written letter of interpretation regarding the hazardous materials regulations (49 CFR Parts 171-180). The hazardous materials regulations are available at the following URL:

<http://phmsa.dot.gov/regulations>

In order to process your request, please respond to this email with your full contact information (mailing address, telephone number). You may contact the Hazardous Materials Information Center at +1 202-366-4488 with questions.

Please allow a minimum of 8 weeks before contacting the Office of Hazardous Materials Standards (OHMS) for a status on written letters of interpretations. Delivery time of a written interpretation can vary markedly based on topic complexity and the depth of review necessary by OHMS Divisions and modal administrations (e.g., FAA) to ensure an appropriate response.

Sincerely,

Jordan, Hazardous Materials Specialist

An e-mail response from this office is considered informal guidance. Formal guidance may be requested in accordance with 49 CFR 105.20. <http://phmsa.dot.gov/hazmat/regs/interps>

From: Mark Hamaguchi [<mailto:mhamaguchi@44blue.com>]
Sent: Friday, October 21, 2016 2:33 PM
To: INFOCNTR (PHMSA)
Cc: Ed Brotherton
Subject: Re: 44 Blue Productions- Nickel Metal Hydride Batteries

Hello PHMSA,

Hope this email finds you well.

My Tech Manager, Ed Brotherton, spoke with Jordan at your organization yesterday. We were interested in finding out if there are restrictions on the quantity that is allowed for CHECK- IN BAGGAGE on passenger planes. FAA Special Agent Judy Ann Regan confirmed that Nickel Metal Hydride batteries should be fine to be checked-in but suggested I reconfirm with your organization.

Can you assist...see below:

October 20,2016

U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
East Building, 2nd Floor
1200 New Jersey Ave., SE
Washington, DC 20590

Dear Hazardous Material Department,

As mentioned in our voice-mail, 44 Blue Productions, LLC produces a variety of television series all over the country. In doing so, we travel with camera, audio and lighting gear that use a variety of battery types. Since lithium batteries have been causing problems and have travel restrictions, we've been researching alternative options for batteries that are allowed to be checked-in as baggage on passenger aircrafts. In speaking with the FAA, it seems that Nickel Metal Hydride batteries are acceptable to be checked-in on passenger planes without restrictions. We would like to request a written interpretation of regulation 175.10 (a) 18 regarding the number (quantity) of Nickel Metal Hydride batteries that are allowed in checked baggage.

We have been working with FAA Special Agent Judy Ann Regan with our research and she suggested contacting you to re-confirm.

Should you have any questions or require additional information, please feel free to reach out to me.

Look forward to hearing from you.

Thank you,

Mark Hamaguchi
Vice President, Production Management
818-760-4442

Mark Hamaguchi | V.P. of Production Management | 44 Blue Productions, Inc. | 818.760.4442 | www.44blue.com



From: Ed Brotherton <EBrotherton@44blue.com>
Date: Wednesday, October 19, 2016 at 11:45 AM
To: Mark Hamaguchi <mhamaguchi@44blue.com>
Subject: Email address to the Hazmat Info Center

Infocntr@dot.gov

Ed Brotherton | Technical Manager | 44 Blue Productions, Inc. | 818.760.4442 ext. 133 | www.44blue.com

